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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.6550/2007

PETITIONER		Pitambar Dadsena, aged about 48 years, s/o Maniram Dadsena, Non-Medical Supervisor Community Health Centre, Pithora, R/o Purani Basti, Pithora, Tahsil and District Mahasamund(CG)
		Versus
RESPONDENTS	**1.**	The State of Chhattisgarh, Through the Secretary, Health and Family Welfare Department, DKS Bhawan, Raipur(CG)
	2.	Chief Medical Officer & Health Officer, Mahasamund, District Mahasamund(CG)
	3.	Block Medical Officer, Community Health Center, Pithora, District Mahasamund(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Raghavendra Pradhan, Counsel for the petitioner.

Shri Satish Gupta, Dy. Government Advocate for the State on advance copy.

ORAL ORDER
(15.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Non-Medical Supervisor, has been transferred from Pithora, District-Mahasamund to Community Health Centre, Keshkal, District Jagdalpur on administrative grounds.

Learned counsel for the petitioner argues that the petitioner is holding the post of Secretary of a recognized association, therefore, he should not have been transferred from his present place of posting. Secondly, he argues that the petitioner is a kidney patient

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and he has to undergo surgery for it and in such a situation, his transfer at a distant place may be injuries for him.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is posted at Pithora, he states that the petitioner is posted there since 1997.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rule or Act, the same cannot be interfered with by a Court of Law

These are not the grounds for interfering with the order of transfer by a Court of law. These are the grounds, which can be considered by the authorities of the department of the petitioner.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

I do not find any merit in this petition. The petition is not worth admission. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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